

## **MINUTES**

### **UTAH FUNERAL SERVICE LICENSING BOARD MEETING**

**November 2, 2006**

**Room 475 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building**

**CONVENED:** 9:00 A.M.

**ADJOURNED:** 12:10 P.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Shaun S. Myers, Chairperson  
Mark Walker  
Joseph W. Thalman  
Craig McMillan  
Reginal V. Ecker  
Mary W. Bearnson  
Allyn Walker

**Guests:**

Craig Jackson, Division Director  
Mitchell Jones, AG

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

##### **ADMINISTRATIVE BUSINESS:**

Read and approve the September 13, 2006 Minutes.

Mr. Ecker made a motion to approve the minutes as read. Mr. Thalman seconded the motion.  
**The Board vote was unanimous.**

##### **BUSINESS FROM PREVIOUS MEETING:**

Further review and discussion of 58-90-602. Determination of control of disposition, proposed Law section

Mr. Myers explained that 58-90-602, 603, 604, 605, 606 and 607, the determination of control of disposition, of the proposed Law outlines who has control of the deceased. He stated that there are minor changes from what is currently in the Funeral Service Law and sections 606 and 607 are completely new for the Utah Law. Mr. Myers stated that the changes were recommendations from the National Funeral Directors

Association, NFDA.

**The Board read the paragraphs regarding the right to rely on the person signing the funeral service agreement, cremation authorization form, or any other authorization for disposition and the section on immunity for the funeral establishment or funeral director who relies in good faith upon the instructions of an individual claiming the right of disposition.**

Mr. Myers commented that both paragraphs are important to the establishment and the funeral service director.

Mr. Myers asked the Board if they would support this change in the Law.

**Mr. McMillan proposed the Board support the language as written in sections 58-9-602, 603, 604, 605, 606 and 607 as changes to the Utah Funeral Service Law.**

**Mr. Thalman seconded the motion.**

**The Board vote was unanimous.**

Mr. McMillan commented that he will be meeting with Todd Bonzo and Kelly Magleby and notify them of the Board support.

## **APPOINTMENTS:**

### **10:00 A.M.**

Reed Hill, Probationary Interview

Mr. Hill did not keep his probationary appointment.

Ms. Taxin explained to the Board that, while going through some paperwork, it was discovered that Mr. Hill is on probation and has been since 1995.

Ms. Taxin read Mr. Hill's Stipulation and Order to the Board. She explained that the only requirement remaining is for Mr. Hill to take and pass the Preneed Law and Rule examination.

Ms. Taxin stated that Mr. Hill has not completed the requirements of his probation and has been out of

compliance for many years. She stated that Mr. Hill was invited to meet with the Board at the May 2006 meeting and he called to reschedule his appointment as he was going to Alaska for the summer and would be returning in October, 2006. Ms. Taxin stated that Mr. Hill was then invited to meet today and he called yesterday to reschedule again as the weather has been good in Alaska and he will not be returning until Thanksgiving time. She stated that Mr. Hill is out of compliance with his Stipulation and Order and the Division and Board take this seriously. She stated that Ms. McCall informed Mr. Hill that the next meeting will be February 15, 2006 and she stressed the importance of completing the examination prior to the February 2007 Board meeting. Ms. Taxin concluded that Mr. Hill confirmed with Ms. McCall that he will be at the February 2006 meeting.

She stated that Mr. Hill has commented that he did not know he was on probation, however, there is documentation that the prior Board Secretary, Ann Naegelin, made contact with Mr. Hill in 2002 and the Division Administrative Assistant, Carol Inglesby, contacted him in 1995, 1996 and 1997 regarding the Stipulation and Order, the suspension and the probation. She stated that Ms. McCall has also contacted him at least twice.

**Board members noted the information and suggested an appointment be made for Mr. Hill to meet February 15, 2007, prior to making any recommendation regarding Mr. Hill's probation except recommending he take the Law and Rule examination prior to the next Board meeting.**

**10:30 A.M.**

Robert Wilcoxon, Probationary Interview

Mr. Wilcoxon met for his probationary interview.

Mr. Ecker conducted the interview.

**Mr. Ecker stated that the Board had requested at the last meeting specific reports discussed the requirements of 6 hours of CE in ethics and to have a business plan to submit. Mr. Ecker asked Mr. Wilcoxon to respond regarding each request.**

Mr. Wilcoxon responded that he faxed his business

plan and 3 monthly reports on October 30 or 31, 2006. He had a copy that he submitted for the Board to review.

**Ms. Taxin stated that she has not yet received his business plan and monthly reports. Ms. Taxin asked Mr. Wilcoxon to be sure the monthly reports are submitted each month for her to review.**

**Mr. Ecker asked if Mr. Wilcoxon is meeting with his supervisor, Del Ballard.**

Mr. Wilcoxon responded that he does talk with Mr. Ballard each week and Mr. Ballard is supposed to drop in at the establishment monthly at random. Mr. Wilcoxon asked if Mr. Ballard's reports have been received.

**Ms. Taxin responded that one was received but is quite general.**

Mr. Wilcoxon stated that he and Mr. Ballard are busy men. He stated he spoke with Mr. Ballard regarding physically going to the facility once a month and Mr. Wilcoxon was of the opinion that Mr. Ballard understood that he does need to go to the facility.

Mr. Wilcoxon stated that he contacted Mr. Ballard yesterday and reminded him that he needs to visit the facility on a regular basis and he needs to write on the report what was reviewed and observed.

**Ms. Taxin asked if Mr. Wilcoxon thought someone less busy might be a better supervisor.**

Mr. Wilcoxon responded that he would like Mr. Ballard to continue as his supervisor. He stated that Mr. Ballard comes into town regularly and can stop by the facility at any time and he has stressed to Mr. Ballard the importance of stopping at random.

**Ms. Taxin asked Mr. Wilcoxon to explain why he waited until yesterday to reach Mr. Ballard regarding reports and dropping in at random when the last Board meeting was September 13, 2006.**

Mr. Wilcoxon explained that he stopped at Mr.

Ballard's facility on his way to an appointment at Camp Williams but Mr. Ballard was not available due to his busy schedule.

**Ms. Taxin stated that Mr. Ballard is not helping Mr. Wilcoxen if he is not available.**

**Mr. Ecker stated that it is also not helping Mr. Wilcoxen if Mr. Ballard is not able to follow through on the random visits and in writing detailed reports.**

Mr. Wilcoxen responded that he will be meeting with Mr. Ballard next week and will discuss the issues Ms. Taxin and Mr. Ecker have brought up regarding the random visits and detailed reports.

**Ms. Taxin requested Mr. Wilcoxen include in his business plan the process he will be using for his contracts, such as how he manages his contracts, so that he does not get himself into a similar situation in the future.**

**Mr. Myers requested Mr. Wilcoxen also include how he reconciles his check book and accounts as that was a problem for him before.**

Mr. Wilcoxen responded that he gives copies of all contracts to Mr. Ballard for review and he thought Mr. Ballard was going to submit those copies with the reports for the Board to review.

**Ms. Taxin stated that copies of the contracts do not need to be submitted. She stated that Mr. Ballard referred to DOPL contacting Security National Life and asked Mr. Wilcoxen to explain.**

Mr. Wilcoxen responded that Mr. Ballard wanted to know if he was suppose to contact the insurance company regarding approval of the contact forms Mr. Wilcoxen submits. He stated that he informed Mr. Ballard that the insurance company sends him acceptance letters when contracts are submitted.

**Ms. Taxin suggested he inform Mr. Ballard that he could call the insurance company at random regarding contracts or he could ask Mr. Wilcoxen**

**to clarify questions.**

Mr. Wilcoxon commented that Mr. Ecker asked about the required ethics course. He stated that he located a 3 hour class in ethics and asked for Board approval to take the class. He asked if the Board wants him to attend another course or if they have any suggestions regarding where to obtain the remaining 7 hours.

**Ms. Taxin responded that the Utah Social Work Association has an excellent program on ethics called ACES. Ms Taxin suggested Mr. Wilcoxon contact ASWB at [www.aswb.org](http://www.aswb.org) regarding the course.**

Mr. Wilcoxon commented that his therapist recommended he read the book Choosing Ethical Excellence and they will discuss it during his sessions.

**Ms. Taxin asked the Board if they would accept Mr. Wilcoxon reading the book and discussing it with his therapist for the last 7 hours of CE in ethics if he writes a narrative regarding what he learned and the therapist submits a report regarding what was discussed.**

**Board members agreed to accept reading the book if he submits a narrative regarding what he learned the therapist submits a report regarding what was discussed.**

Mr. Wilcoxon responded that the book discusses ethical practice in the work place regarding stealing a paper clip, a piece of paper, etc. from the workplace. He stated that he is enjoying the book and has gained some ideas for good ethical practice.

**Ms. Taxin commented that she would have liked to have received the reports two weeks prior to the meeting in order to prepare for the Board meeting. She voiced frustration as Mr. Wilcoxon seemed to understand what she and the Board were talking about at the last meeting but then nothing was received. She stated that Mr. Wilcoxon's therapist will still have to submit his report. Ms. Taxin suggested Mr. Wilcoxon contact Ms. McCall in the future to be sure all reports have been received.**

**Ms. Taxin also recommended Mr. Wilcoxon talk with Mr. Ballard regarding submitting more detailed reports, documenting his random visits at Mr. Wilcoxon's facility, discussion of the business plan and anything else he thinks should be reported.**

**Mr. Ecker reminded Mr. Wilcoxon that the Stipulation and Order require the CE to be completed within one year. He stated that the year is coming up in February 2007.**

**Mr. Ecker asked if Mr. Wilcoxon is still meeting regularly with his therapist.**

Mr. Wilcoxon responded that they are meeting monthly and he is of the opinion that the sessions have been very helpful. He stated his addiction is like any other addiction in that the addict lives a lie. He stated that it was difficult to write out the payments for restitution as each time he made a payment it reopened the wounds for him and his spouse. He stated that it is now easier as the debt has been paid in full. Mr. Wilcoxon concluded that he knows he cannot step outside the lines or he will lose everything and cannot afford that.

Mr. Wilcoxon stated that there is a program for addicts at the Veterans Administration. He stated that he has attended a few times but does not get as much out of the meetings as he would like to at times as listening to the variety of issues is uncomfortable and he does not relate. He stated that it is much more difficult and humbling to attend his probationary interviews and sit before the Board of his peers.

**Ms. Taxin commented that there is a group for professionals. She stated that the support group sessions are free and she will give him the information following his appointment. Ms. Taxin stated that Mr. Wilcoxon might feel uncomfortable but he might connect with someone that might be of assistance to him regarding addictions.**

**Mr. Ecker stated that there is also a church program that might be helpful.**

**Mr. Myers commented that Mr. Wilcoxon business plan is well done and he was impressed with Mr. Wilcoxon's approach on a personal basis. Mr. Myers suggested Mr. Wilcoxon also consider how the public is protected and make sure the ethics of his business is protected. He also suggested Mr. Wilcoxon include his accounting procedures.**

Mr. Wilcoxon responded that he receives funds from families and then submits the funds to the office staff so that he does not have access to them.

**Mr. Myers again suggested the process be included in the business plan for the Board to review and to feel more comfortable that he is being a safe practitioner.**

**Ms. Taxin requested Mr. Wilcoxon to summarize what has been requested of him.**

Mr. Wilcoxon responded that he understands that he is to do the following:

1. Complete the 3 hour ethics course that was pre-approved,
2. Complete reading the book "Choosing Ethical Excellence" for the remaining hours,
3. Discuss the book with the therapist,
4. Have the therapist include in the report that the book was discussed,
5. Write his own narrative of the book regarding what he learned,
6. Meet regularly with the supervisor, Del Ballard, and request Mr. Ballard to write more detailed reports regarding his on-site visits, discussion items,
7. Check into support groups for addicts,
8. Include his accounting procedures in his business plan and
9. Follow up with the therapist and supervisor to be sure reports are completed and submitted regularly approximately 1 week prior to his appointments.

Mr. Wilcoxon commented that this type of situation could happen to anyone as we are not always able to handle some situations. He stated that it has been hard to see the disappointment and heartache he has caused



his family and friends and he is hoping that eventually they will be able to trust him again.

**Ms. Taxin responded that everyone makes mistakes and he is now on track and more focused than he was when he first started meeting with the Board.**

**An appointment was made for Mr. Wilcoxon to meet again February 15, 2007.**

FYI

**11:07 A.M. – Mark Walker was excused from the meeting.**

**11:00 A.M.**

Larry Turpen, Probationary Interview

Mr. Turpen met for his probationary interview.

Mr. Turpen was accompanied by Jim Salmon, chairman of Grand County Cemetery District, to speak to the Board on behalf of Mr. Turpen regarding Mr. Turpen's integrity and to add his recommendation to terminate Mr. Turpen's probation.

Board members and Division staff were introduced to Mr. Salmon.

Mr. Myers conducted the interview.

**Mr. Myers stated that the Division received a letter from Mr. Turpen's supervisor, Steve Parker, stating he is of the opinion that Mr. Turpen will continue to act in the public's best interest and recommended termination of probation. Mr. Myers stated Mr. Turpen submitted a request for termination of probation and a copy of a letter from Michael D. Esplin, Attorney, confirming Mr. Turpen has paid all fines and assessments imposed in his civil case and a copy of a letter from Kenneth Brown, Attorney, confirming all charges brought against Mr. Turpen were dismissed.**

**Mr. Myers then reviewed the following Stipulation and Order requirements to confirm Mr. Turpen has met them:**

- 1. The continuing education requirement,**
- 2. Submitted a business plan,**
- 3. Reviewed the business plan with his supervisor,**

- 4. Within 60 day of signing the Stipulation and Order submit copies of all contracts,**
- 5. Work with the supervisor over a period of time and have the supervisor review the full operation of Mr. Turpen's business to confirm compliance,**
- 6. Maintain an active license.**

**Mr. Myers asked Mr. Turpen if all the above requirements have been completed.**

Mr. Turpen responded that he did complete all the above requirements.

**Mr. Myers asked Mr. Salmon if he would like to address the Board.**

Mr. Salmon responded that he understands the seriousness of what happened, however, he stated that the Grand County Cemetery Board found Mr. Turpen very helpful. He stated that Mr. and Mrs. Turpen have done many anonymous good deeds in many communities in the Moab area and during his tenure as President of the Grand County Cemetery Board there were no complaints regarding Mr. Turpen or Spanish Valley Mortuary. He stated that Mr. Turpen is a little abrupt today and he is seeing another side of Mr. Turpen but he does have a heart of gold and he could always count on Mr. Turpen if had a need. Mr. Salmon stated that Mr. Turpen became a friend and is still a friend. Mr. Salmon thanked the Board for allowing him to meet and talk with them.

**Ms. Taxin responded that she appreciated Mr. Salmon sharing another part of Mr. Turpen that the Board was not aware of.**

**Mr. Myers opened the floor to the Board for discussion regarding any concerns or questions.**

**Ms. Taxin asked Mr. Turpen to take a few minutes and share what he has learned from this process and how he might have internalized the process so that the she and the Board will feel comfortable with early termination of his probation.**

Mr. Turpen responded that this has been a very

difficult experience for him. He stated that the ethics course he completed was very good and he is of the opinion that a similar course should be provided by the Association at their annual conference. Mr. Turpen commented that he was of the opinion that the probation was an over kill as he thinks he is a good person and he does help people. He stated that the money is not a priority for him but he does have financial obligations that have to be met and the probation did affect his business more than he thought it would. He stated that he has heard of funeral directors who have committed similar violations as he did but none of them were cited by DOPL.

**Mr. Jones, AG, commented that he has been impressed with Mr. Turpen's change in attitude and smoothing off some of rough edges during the last year. He stated that he is comfortable recommending termination of probation.**

**Mr. McMillan commented that he has sat through the meetings with Mr. Turpen and has seen changes and adjustments. He stated that Mr. Turpen said the probation was an over kill but the Board was following procedures and policies as they were present to the Board.**

**Mr. Myers asked Mr. Turpen his thoughts regarding selling preneed contracts as he had mentioned he would never sell preneed contracts. Mr. Myers stated that Mr. Turpen will still have to service the contracts that were in place.**

**He stated that the Board recognizes the importance of being properly licensed. Mr. Myers stated that Ms. Taxin has taken responsibility to be sure the Utah funeral homes are licensed properly since she has been the Bureau Manager. He stated that part of Mr. Turpen's problem was the timing of his situation being in the time frame when that enforcement began, which was unfortunate.**

Mr. Turpen responded that he has never sold preneed contracts and that he inherited the contracts he has when he purchased Spanish Valley. He stated that he had to retrieve the list of contracts from the dumpster for his annual audit. He stated that someone called

him today regarding conducting his service when the time comes and he asked Mr. Turpen about doing a preneed contract. Mr. Turpen stated that he inform the caller that he does not sell preneed contracts but would be happy to conduct the funeral when the time comes.

**Ms. Taxin commented that Mr. Turpen could qualify for a preneed license if he is not on probation. She stated that he would have to submit a complete application and the application fee for review for the license.**

**Ms. Taxin stated that she did not know that all of the Spanish Valley preneed contracts were pre-existing and not sold by Mr. Turpen. Ms. Taxin stated that sometimes people think they have communicated information and it is not really clear.**

Mr. Turpen commented that he had met with another Bureau Manager, Dan S. Jones, for assistance regarding the preneed contracts and was referred to seek his own legal counsel.

**Ms. Taxin responded that she can read the Laws and Rules with Mr. Turpen but his own legal counsel is the proper resource for legal advice on his business.**

**Ms. Taxin reminded Mr. Turpen that it is his responsibility to be sure his personal and business licenses are renewed before the expiration dates and if he has any questions to please call the Division.**

**Mr. McMillan made a motion to terminate Mr. Turpen's probation based on Mr. Turpen having completed all probationary requirements except the time and based on all criminal charges having been dismissed.**

**Mr. Thalman seconded the motion.**

**The Board vote was unanimous.**

**Allyn Walker made a motion to terminate the probation on Mr. Turpen's establishment, Spanish**

**Valley Mort./Crematorium based on the unanimous vote to terminate probation on Mr. Turpen's Funeral Service Director's license.**

**Mr. Ecker seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin explained the process and informed Mr. Turpen that he is still on probation until all the paperwork is completed.**

Mr. Turpen requested Ms. Taxin write a letter regarding terminating his probation.

**Ms. Taxin agreed to write a letter to send with the clear licenses.**

**Ms. Taxin recommended Mr. Turpen meet with the Highway Patrol officers in his area and nicely let them know that he is off probation and is willing to work with them in the community to provide funeral services.**

Mr. Salmon commented that Mr. Turpen informed him that he had applied several times for reinstatement of his licenses, submitted applications and fees and the Division cashed the checks but did not issue his licenses. Mr. Salmon asked Ms. Taxin what the Division did with the money.

**Ms. Taxin responded to Mr. Turpen and reminded him that she had waived some of his fees and returned \$600.00 of fees he had submitted.**

Mr. Turpen acknowledged that he was reimbursed and then Mr. Salmon stated that he was happy to see the situation resolved.

## **DISCUSSION ITEMS:**

Annual Board Member Training

Ms. Taxin conducted the annual Board member training. She distributed information on the Open and Public Meeting Act and the Structure of Licensing Board.

Ms. Taxin covered the structure of licensing Board.

**Mr. Myers asked who may be appointed as the Public Member and how they apply.**

Ms. Taxin responded that any public person may be appointed and any interested person would submit a letter of interest and a resume for the Division to review.

**Mr. McMillan asked what would constitute a quorum for this Board.**

Ms. Taxin responded that this Board has 7 members and a simple majority of 4 would constitute a quorum.

She covered the requirements to close a meeting and to re-open the meeting. Ms. Taxin stated that a quorum of the Board must be present to conduct Board business of motions.

Ms. Taxin reviewed the responsibilities and Division expectations of a Board member. She stated that the number one responsibility is for the Board to protect the public. Ms. Taxin requested the Board to act fairly and effectively and not be too quick to judge. She stated that the Board should put their personal biases aside and should not come to a Board meeting with personal agendas. She reminded Board members to be respectful of each other, the Division, any appointments and probationers. She requested the Board to be open to alternatives and be creative in each individual probationary circumstance.

Ms. Taxin requested Board members excuse themselves and leave the meeting if there is a personal conflict with a probationer. She reminded the Board that Board business should not be discussed outside a Board meeting.

Ms. Taxin recommended Board members read and understand the Laws and Rules. She suggested they be professional and act with integrity, keep confidentiality and be good role models.

**The Board thanked Ms. Taxin for the review.**

FYI

Craig Jackson, Division Director, notified the Board that he will be retiring from the Division at the end of December 2006 and this will be the last meeting he will be attending with the Funeral Service Board.

**Mr. Myers expressed the thanks from the Board for Mr. Jackson's support while he has been the Division Director and appreciation for Ms. Taxin as the Bureau Manager.**

Tentative 2007 Board Meeting Schedule

Ms. Taxin reviewed the tentative 2007 schedule with the Board.

**Mr. Myers asked if the August 16, 2007 meeting should be changed to another month as that is vacation time before school starts again.**

Ms. Taxin suggested the date be left on the schedule and when we are closer to that date we can review again regarding changing the date.

**The Board concurred.**

**Board members noted the following dates for the 2007 schedule: February 15, May 31, August 16 and November 15, 2007.**

## **CORRESPONDENCE:**

Donor Law

Mr. Myers reviewed his follow up e-mail from Tracy Schmidt regarding donor referrals. Mr. Myers stated that Mr. Schmidt's complaint is that donors are frequently taken to the funeral home and the body is disposed without honoring the deceased person's wishes to be a donor. Mr. Myers stated that he informed Mr. Schmidt that highway fatalities are usually taken directly to the Medical Examiner and then released to a Funeral Director and the Medical Examiners should be contacting the donor agencies. Mr. Myers stated that Mr. Schmidt suggested that he might hold a funeral director responsible if the trend of only 35 to 40% of fatal referrals does not change. Mr. Myers stated that he recommended Mr. Schmidt not hold funeral directors responsible if he wants an open, friendly working relationship with them.

**Mr. Ecker commented that Mr. Schmidt and the donor organizations should be working with the Medical Examiners office regarding referrals.**

**Ms. Taxin responded that she talked with Mr. Schmidt regarding meeting with the Board to discuss the issue and they decided that she would present the concern and, if the Board desired, he would come to the next meeting.**

**Ms. Taxin stated that Mr. Schmidt explained to her that some families were not notified by the Director that the deceased had requested to be a donor. She stated that Mr. Schmidt felt families should be notified that being a donor is an option and then follow through with the wishes of the deceased.**

**She explained that Mr. Schmidt informed her that there were 9 fatalities one weekend and only a few were referred.**

**Ms. Taxin commented that she mentioned this to Kelly Magleby and he did not appear to be concerned. She suggested including an article the Associations newsletter regarding offering the choice of being a donor when a body is received and reminding Funeral Directors to notify the organization would be helpful.**

**Mr. Mark Walker stated that if the body is taken to the Medical Examiner then the funeral home is only a transport to prepare the body. He stated that he is currently on a contract as a transporting agency with the Medical Examiner in his area and therefore would not inform the family.**

Bill Bates, CEO Life Appreciation, Training Seminar Information

**The Board reviewed the information. There was no Board action taken.**

The Conference Report, Fall 2006

**Mr. Myers stated that all Board members receive the Conference Report and he recommended this no longer be included in the correspondence.**

**The Board members concurred.**

Mortuary Management, October 2006

**Mr. Myers stated that all Board members receive the**



Conference Report and he recommended this no longer be included in the correspondence.

**Ms. Bearnson requested the Board secretary to contact the Mortuary Management to include her name and address to receive this magazine.**

**The Board members concurred.**

**NEXT MEETING SCHEDULED FOR:**

February 15, 2007

**MEETING ADJOURNED AT:**

12:00 P.M.

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Date Approved

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Chairperson, Utah Funeral Service Licensing Board

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Date Approved

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Bureau Manager, Division of Occupational & Professional Licensing